

## **REMARKS**

Claims 33-52 remain in this application. Claims 33, 35-40, and 42-52 have been amended. No claims have been added or cancelled. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

### **Claim Rejections - 35 U.S.C. §112**

The Examiner has rejected claims 40, 42, 46, 48, 49, and 50 under 35 U.S.C. §112, second paragraph.

Applicants submit herein amendments to claims 40, 42, 46, 48, 49, and 50 to overcome the rejections.

### **35 U.S.C. §102(e) Rejection**

The Examiner has rejected claims 33-35, 37, 38, 41-46, 49, 50, and 52 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,367,009 issued to Davis (hereinafter “Davis”). The Applicants respectfully submit that the present claims are not anticipated by Davis.

Claim 33 recites an apparatus comprising, “*an interface to at least one wired client device and at least one wireless client device; client-type determining logic to determine whether a client device requesting a connection is a wired client device or a wireless client device; logic to perform a wired authentication to establish the secure connection when it is determined that the requesting client device is a wired client device; and logic to perform a wireless authentication to establish the secure connection when it is determined that the requesting client device is a wireless client device*

Davis does not teach or suggest all of the limitations of independent claim 33. In particular, Davis does not teach or suggest: (1) client-type determining logic to determine whether a client device requesting a connection is a wired client device or a wireless client device; or (2) logic to perform a wireless authentication to establish the secure connection when it is determined that the requesting client device is a wireless client device.

Davis discusses extending SSL to a multi-tier environment using delegation of authentication and authority (see e.g., Title, and column 4, lines 9-15). FIG. 2 of Davis shows a networked computing environment including a wireless network 42 having wireless clients 10 coupled thereto and having wired clients 10. Davis seems to suggest that the wireless clients and the wired clients use the same security protocol, which is typically either SSL or TLS, for authentication. For example, at column 1, lines 55-62, Davis mentions that users may access the Internet from home or from cell phones, and then goes on to mention right away that SSL is a popular solution for providing security procedures. Davis does not teach or suggest a security protocol for authentication that is specific to wireless clients. Nor does Davis teach or suggest that the wireless clients use a different security protocol for authentication than the wired clients use for authentication. Accordingly, Davis does not teach or suggest that both wired authentications and wireless authentications be performed. It is therefore not surprising that Davis does not teach or suggest client-type determining logic to determine whether a client device requesting a connection is a wired client device or a wireless client device.

Accordingly, Davis does not teach or suggest: (1) client-type determining logic to determine whether a client device requesting a connection is a wired client device or a wireless client device; or (2) logic to perform a wireless authentication to establish the secure connection when it is determined that the requesting client device is a wireless client device.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. “*For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference.*” In Re Bond, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

For at least these reasons, claim 33 and its dependent claims are believed to be allowable over Davis. Independent claims 42 and 50, and their respective dependent claims, are believed to be allowable for one or more reasons similar to those discussed above.

#### **35 U.S.C. §103(a) Rejection - Davis and Gast**

The Examiner has rejected claims 36, 40, 48 and 51 under 35 U.S.C. §103(a) as being unpatentable over Davis in view of U.S. Patent Publication No. 2003/0046532 issued to Gast (hereinafter “Gast”). Applicants respectfully submit that Davis and Gast should not be combined.

Davis and Gast do not contain any suggestion, either express or implied, that they be combined, or that they be combined in the manner proposed by the Examiner. Additionally, although it is somewhat unclear exactly how the Examiner proposes modifying Davis based on Gast, it seems likely to the Applicants that it may be necessary to make modifications, not taught or suggested in the prior art, in order to combine Davis and Gast in the manner proposed by the Examiner.

Furthermore, even if DDD and GGG are combined, which does not even seem appropriate, the combination still does not teach or suggest the limitations of independent claim 33. In particular, the combination does not teach or suggest “*client-type*

*determining logic to determine whether a client device requesting a connection is a wired client device or a wireless client device; logic to perform a wired authentication [[function]] to establish the secure connection when it is determined that the requesting client device is a wired client device; and logic to perform a wireless authentication [[function]] to establish the secure connection when it is determined that the requesting client device is a wireless client device”.*

For at least these reasons, claim 33 and its dependent claims are believed to be allowable. Independent claims 42 and 50, and their respective dependent claims, are believed to be allowable for one or more reasons similar to those discussed above.

### **35 U.S.C. §103(a) Rejection - Davis and Hajmiragha**

The Examiner has rejected claims 39 and 47 under 35 U.S.C. §103(a) as being unpatentable over Davis in view of U.S. Patent No. 6,289,460 issued to Hajmiragha (hereinafter “Hajmiragha”). The Applicants respectfully submit that Davis and Hajmiragha should not be combined.

Firstly, Davis and Hajmiragha should not be combined for at least the reason that Davis and Hajmiragha are from non-analogous arts. Davis pertains to delegating authentication and authority from a client to a server in order that the server can establish a secure connection, using SSL or an analogous security protocol, to a back-end application on behalf of the client (see e.g., Field of the Invention). In contrast, Hajmiragha pertains to a electronic document management system particularly a full service document management system (see e.g., Field of the Invention). These are non-analogous arts.

As discussed in the MPEP 2141.01(a), to rely on a reference under 35 U.S.C. 103, it must be analogous prior art. “*In order to rely on a reference as a basis for rejection of*

*an applicant's invention, the reference must either be in the field of the applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned."* In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992). The problem addressed in Hajmiragha would not logically have commended itself to an inventors attention when he/she was considering the problem addressed in Davis. Further an inventor could not possibly be aware of every teaching in every art. In re Wood, 599 F.2d 1032, 202 USPQ 171, 174 (C.C.P.A. 1979).

Accordingly, for at least these reasons, Davis and Hajmiragha should not be combined.

## **Conclusion**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

## **Request For Telephone Interview**

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

## **Request For An Extension Of Time**

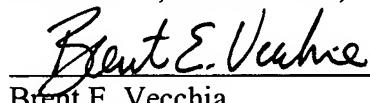
The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

## **Charge Our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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